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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Linda H. MALKAS et al

Conf. No.: 5889

Appln. No.: 10/083,576

Group Art Unit: 1645

Filed: February 27, 2002

Examiner: Unknown

For: METHOD FOR PURIFYING CANCER-SPECIFIC  
PROLIFERATING NUCLEAR ANTIGEN

REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. § 1.47(a)

**ATTN: OFFICE OF PUBLICATIONS**

Commissioner for Patents

Box DAC

Washington, D.C. 20231

Sir:

This is in response to the Decision Refusing Status under 37 C.F.R. § 1.47(a) dated December 23, 2002, in the above-identified application, for which response is due on or before February 23, 2003.

REMARKS

1. As set forth in the Decision, the Petition filed October 22, 2002, has been denied solely on the basis that the application papers were not sent to the non-signing inventor, Dr. Pamela E. Bechtel, at her last known "home" address, even though the Decision acknowledged that such were sent to her last known "business" address.

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**REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 C.F.R. § 1.47(a)  
U.S. Appln. No. 10/083,576**

absent the signature of one of the joint inventors, i.e., Dr. Pamela E. Bechtel, who refuses to execute the Declaration and Power of Attorney for the above-identified application and/or can not be found or reached after diligent effort. The grounds for this request are set forth below and are supported by the accompanying documentary evidence (Supplemental Declaration of David L. Marks).

3. As explained in the attached Supplemental Declaration of David L. Marks, Mr. Marks (of the University of Maryland, Baltimore, an assignee of the above-identified application), attempted to contact Dr. Bechtel via letter at her last known home address, so as to obtain her signature on the Declaration and Power of Attorney for the above-identified application provided with his letter. Mr. Marks sent Dr. Bechtel the application (the specification, claims and drawings) and the Declaration and Power of Attorney. However, the attempt by Mr. Marks to contact Dr. Bechtel at her last known home address and obtain her signature on the Declaration and Power of Attorney was unsuccessful. Dr. Bechtel never responded to the letter. Dr. Bechtel's failure to respond to the letter is believed to be because she is refusing to sign the Declaration and Power of Attorney. In any event, it is apparent from the attached Supplemental Declaration (as well as the Declaration of Marks/Brossius filed October 22, 2002) that the University has diligently tried to find or reach Dr. Bechtel without success.

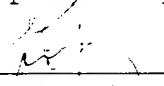
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University and to prevent irreparable damage to the University, because the technology disclosed and claimed in the above-identified application has already licensed out to a third party.

The Assistant Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No 19-4880. A duplicate copy of this paper is attached.

Favorable consideration is respectfully requested.

Respectfully submitted,

  
\_\_\_\_\_  
Gordon Kit,  
Registration No. 30,764

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WASHINGTON OFFICE



**23373**

PATENT TRADEMARK OFFICE

Date: January 27, 2003